

SENATE BILL REPORT

SB 6025

As Reported by Senate Committee On:
Law & Justice, January 18, 2018
Ways & Means, January 29, 2018

Title: An act relating to increasing success in therapeutic courts.

Brief Description: Increasing success in therapeutic courts.

Sponsors: Senators Dhingra, Darneille, Frockt, Liias, Keiser, Pedersen, Hunt, Chase, Padden, Palumbo, O'Ban, Saldaña, Kuderer and Hasegawa.

Brief History:

Committee Activity: Law & Justice: 1/11/18, 1/18/18 [DPS].
Ways & Means: 1/29/18 [w/oRec, DNP].

Brief Summary of First Substitute Bill

- Adds additional recovery support and treatment services that may be paid from the Criminal Justice Treatment Account (Account) for an individual drug court participant's substance use treatment program, and removes a list of non-qualifying treatment services.
- Clarifies the process for the state treasurer's fund transfer from the General Fund to the Account.
- Prohibits counties from using Account funds to pay for drug court administration and overhead costs.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6025 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille, Frockt and Wilson.

Staff: Melissa Burke-Cain (786-7755)

SENATE COMMITTEE ON WAYS & MEANS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: That it be referred without recommendation.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey, Becker, Brown, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Mullet, Pedersen, Ranker, Rivers, Van De Wege, Wagoner and Warnick.

Minority Report: Do not pass.

Signed by Senator Schoesler.

Staff: Julie Murray (786-7711)

Background: Therapeutic Courts in Washington. Therapeutic courts operate as an alternative to traditional criminal and civil trials for nonviolent offenders. In general, these courts use a problem-solving approach to treat the conditions contributing to an offender's criminal behavior. The participating offender agrees to comply with a judicially supervised individual treatment program to address mental health, substance use, and other underlying behavior issues.

Washington's first therapeutic courts were King and Pierce counties' adult drug courts beginning in 1994.

Currently, Washington's superior, district, and municipal courts operate approximately 85 specialized therapeutic courts including:

- 24 adult and 13 juvenile drug courts;
- 19 family treatment courts;
- 7 DUI courts;
- 1 domestic violence court;
- 13 mental health courts; and
- 8 veterans' treatment courts.

The Administrative Office of the Courts and the Department of Social and Health Services Division of Behavioral Health and Recovery (DSHS/BHA) jointly provide statewide coordination for the jurisdictions that operate therapeutic courts. DSHS/BHA arranges for treatment facilities and treatment provider payment. Some therapeutic courts serve multiple counties or jurisdictions.

Therapeutic Court Operations and Funding. The 2015 Therapeutic Courts Act (Act) recognized the judiciary's inherent authority to operate therapeutic courts under Article IV, Section 1 of the state constitution—RCW 2.30.030. The Act also:

- set out therapeutic court processes and uses of funding;
- defined criteria for an offender's participation in judicially supervised treatment programs and services; and
- encouraged multi-jurisdictional agreements and research-based best practices in treatment programs.

Counties may adopt a sales and use tax to fund therapeutic court and treatment services and may seek federal funding for therapeutic court operations and associated treatment services.

The Criminal Justice Treatment Account (CJTA) funds treatment of substance use disorders and treatment support services.

Drug Courts. Drug courts oversee cases involving eligible nonviolent substance abusing offenders. If a person charged with a felony drug offense meets the criteria for drug court participation they must successfully complete an individual court supervised treatment program as an alternative to incarceration. The offender receives treatment through social services and mental health providers, mandatory periodic drug testing, community supervision, and intensive court monitoring of treatment plan compliance and progress.

Summary of Bill (First Substitute): For purposes of the Criminal Justice Treatment Account, treatment means services that are critical for the offender to complete their individual substance use disorder treatment program. Housing, vocational training, and mental health counseling are no longer excluded from the treatment definition. The state treasurer must transfer the general funds appropriated for the Account in four equal quarterly payments. Counties may not use Account funds for drug court administration and overhead costs after the bill's effective date.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on First Substitute (Law & Justice): PRO: A study a few years ago showed that additional flexibility in recovery support services provided to drug court participants significantly improved the return on investment by a 7 to 1 margin. The bill is specific to drug courts and to its related funding account, the Criminal Justice Treatment Act, and not all therapeutic courts. The therapeutic courts also rely on grant funding from organizations and in-kind donations. For example in Thurston County, Intercity Transit has provided free bus passes for drug court participants on a yearly basis. However, the amount of grant and in-kind donations may vary from year to year. Thurston County has separate DUI and drug court programs, but they are conducted jointly; not all counties operate their therapeutic courts similarly. Attending a therapeutic court graduation is an uplifting experience demonstrating that persons can recover and improve their lives. While drug courts, the longest standing of the therapeutic courts in this state, benefit from the Account, other types of therapeutic courts would benefit from additional availability of a broader scope of covered recovery support services. We do not want the good that this bill will do to be considered as opposition because it does not provide similar funding for other types of therapeutic courts. The language change regarding payment of drug court administrative and overhead costs is not a significant or new change in this bill. It is a result of cost-cutting during the great recession and the language change is simply a clean up for the statute.

Persons Testifying (Law & Justice): PRO: Senator Manka Dhingra, Prime Sponsor; Doug Levy, Cities of Everett and Renton; Bob Cooper, Washington State Association Of Drug

Court Professionals; Judge Carol Murphy, Superior Court Judges Association; Melanie Stewart, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony (Ways & Means): No public hearing was held.

Persons Testifying (Ways & Means): N/A.

Persons Signed In To Testify But Not Testifying (Ways & Means): N/A.